IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 880(S/S)2007

Bhagwati Negi W/o Sri Mahendra Singh Negi,
Assistant Teacher, Girls Junior High School
(Now High School),
Basot, Bhikiyasen, District Almora. --------Petitioner.

Vs.

1. Addl. District Education Officer (Basic) Almora.
2. District Education Officer, Almora,
3. Director School Education,
   Uttarakhand, Dehradun. --------Respondents.

Sri Vinay Upadhyay, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinay Upadhyay, learned Counsel for the petitioner and Paresh Tripathi, learned Brief Holder for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 16.06.2007 (annexure no.2 so far it related to the petitioner) passed by the respondent no. 1, by which the petitioner, who is working as Assistant Teacher, in Girls Junior High School, Basot Bikiyasen has been transferred to Junior High School, Seem, Bhikiyasen district Almora.

The grounds of assailing the order impugned, advanced by the learned counsel for the petitioner are that as per the policy adopted by the State Govt., the teachers who have completed 55 years' of their age options may be asked from

such teachers while transferring them. However without following guidelines, the petitioner who has already attained 57 years' of her age, at the fag end of her retirement, has been transferred on the pretext that she is surplus in this Girls High School. It is denied that the petitioner has become surplus in the present Institution.

In this regard, the petitioner, raising all her grievances has already moved representation on 04.07.2007 (annexure no.5 to the writ petition) before respondent no. 1 i.e. Addl. District Education Officer (Basic), Almora, which is still pending before him.

In these circumstances without entering into the merits of the case, I deem it fit and proper to direct the respondent no. 1 to take decision on the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order before respondent no. 1 within one week from today.

Till the representation is decided by the respondent no. 1 or till 10th August 2007, whichever is earlier, the petitioner shall not be relieved from her present place of posting.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 13, 2007:
NCM: